

*Op'n 4*

[a raise-and-lower mechanism for generally raising and lowering the entire [patient surface] mattress support relative to a floor-engaging portion of the frame; and

*A*  
*curt*  
controls for tilting the [patient surface] mattress support lengthwise [to provided Trendelenburg and reverse Trendelenburg capabilities].

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## REMARKS

Numerous objections to the specification and drawings have been noted. Applicant respectfully requests such objections be held in abeyance until such time as allowable subject matter is noted.

Claim 1 stands rejected under 35 U.S.C. § 112 as allegedly failing to distinctly claim that which Applicant regards as the invention. The language in question has been removed without prejudice from claim 1; accordingly, Applicant respectfully submits claim 1 meets the statutory requirements for particularity and definiteness. Please note, however, that the particular usage recited is well known in the art to which the invention pertains and is further defined in the specification at page 9 and elsewhere.

Claim 1 further stands rejected under 35 U.S.C. § 102 as allegedly anticipated by Pupovic '929; Failor '260; or Peck '529.

Anticipation requires that each and every structural element – including *all* limitations – be found, either expressly or inherently, in a single prior art reference. Further, the single reference must enable one skilled in the art to practice the claimed invention without undue experimentation. The second requirement, also referred to as identity of invention, is met only if the prior art reference shows all elements in substantially the same situation and performing substantially the same overall function. It is therefore necessary to compare the claim *as a whole* with the prior art, also taken as a whole.

Applicant respectfully submits that none of the cited references meets the requisite requirements for anticipation of claim 1. As amended, claim 1 emphasizes its character as a bariatric bed. None of the references cited in rejecting claim 1 shows such capabilities.

## REQUEST FOR RECONSIDERATION

In view of all the foregoing, reconsideration and allowance of the claims, and passage to issue are respectfully requested.

Respectfully submitted,

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